

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANDREW SMILEY,	:	
	:	Civil Action No. 06-1244 (RMB)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
SGT. HERBERT JAMES, et al.,	:	(CLOSED)
	:	
Defendants.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 10th day of August, 2006,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), plaintiff's application to proceed in forma pauperis is hereby granted; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General for the State of New Jersey and on the Warden of the Atlantic County Justice Facility; and it is further

ORDERED that plaintiff is assessed a filing fee of \$250.00¹ which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

¹ The Complaint was submitted for filing on March 16, 2006, before the increase in filing fees was made applicable on April 9, 2006.

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$250.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that Complaint is DISMISSED WITH PREJUDICE, in its entirety, for lack of subject matter jurisdiction; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order and accompanying Opinion upon the plaintiff by regular mail; and it is further

ORDERED that the Clerk of the Court is directed to close this file accordingly.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge